

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) No. 4:20-CR-00546-RWS-DDN (NAB)
vs.)
)
TRAVON COOPWOOD,)
)
Defendant.)

RESPONSE TO MOTION TO RECONSIDER ORDER OF DETENTION

The United States of America, by and through its Attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Jason Dunkel, Assistant United States Attorneys for said District, opposes Defendant's request to be released on bond, but takes no position on whether the Defendant's completion of his term of incarceration in the Missouri Department of Corrections satisfies the standard under 18 U.S.C. § 3142(f) to reopen the detention record and have a detention hearing. The record is sufficiently developed for the Court to order Defendant detained.

A motion for reconsideration is proper if:

...the judicial officer finds that information exists *that was not known to the movant* at the time of the hearing *and that has a material bearing on the issue* whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.

18 U.S.C. § 3142(f) (emphasis added). As stated above, the Government takes no position on whether or not Defendant's release from MDOC custody meets that threshold.

If the detention record is reopened and Defendant is granted a Detention Hearing, the Motion for Pretrial Detention should be granted and Defendant should be ordered detained. As set out more fully in the Government's Motion for Pretrial Detention (Doc. #4), Defendant is

alleged to have possessed a firearm as a previously convicted felon while he was under the parole supervision of the Missouri Department of Corrections and under the pretrial bond supervision of Missouri's 22nd Judicial Circuit Court.

He was paroled from a 12-year sentence for first degree assault and armed criminal action in early 2020. Shortly after being released, he repeatedly resisted arrest by fleeing from officers during the course of a homicide investigation. Defendant was charged for resisting arrest, but released on bond despite committing that offense while on parole. Just months later, while still on parole and while on pretrial release, he was arrested in this case while possessing a firearm and fentanyl.

That Defendant would possess controlled substances and a firearm while on both parole and pretrial release demonstrates by clear and convincing evidence his danger to the community. His criminal history involving a conviction for first degree assault and armed criminal action further demonstrates his danger to the community. His history of repeatedly fleeing from police demonstrates his danger of failing to appear in court or for his sentence.

In Defendant's Motion for Reconsideration, he raises no disputed factual issues with the pretrial services report in this case (Doc. #11). Defendant has presented the Court with no new information other than the fact that he is no longer in MDOC custody. The lack of any new information, and the lack of any alleged inaccuracy in the pretrial report, makes this matter suitable for decision on the written record.

WHEREFORE, the Government asks this Court to deny Defendant's Motion to Reconsider Order of Detention, or alternatively to grant the motion for reconsideration and to hold a hearing for oral argument on Motion for Pretrial Detention, at which time the Government will argue for Defendant to be detained.

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney

/s/ Jason S. Dunkel

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CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2021, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

All Attorneys of Record.

/s/ Jason S. Dunkel
JASON S. DUNKEL, #65886(MO)
Assistant United States Attorney